# Administrative



# 08-02 Sick Leave Administration – Guidelines for Supervisors



Signed By	/s/ Marie Stephans, Chief Administrative Services Division	Number	08-02
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The <u>Sick Leave Administration – Guidelines for Supervisors</u> is being reissued under a new Administrative Services Letter (ASL) number to demonstrate that review of the policy has occurred and no significant changes were necessary.

These guidelines have been prepared to provide assistance to supervisors in managing sick leave usage and correcting instances of sick leave abuse. The guidelines discuss the following:

- Definition of sick leave.
- Supervisory responsibilities.
- Clarification of sick leave verification procedures and attendance restriction.
- Suggested options for denying use of sick leave benefits.
- Outlines processes for initiating preventative as well as corrective action.

Questions regarding the Sick Leave Administration – Guidelines for Supervisors should be directed to your assigned Human Resources Analyst listed in the <u>Directory of Administrative Services</u>.

### SICK I FAVE ADMINISTRATION

# Guidelines for Supervisors

Air Resources Board Administrative Services Division Human Resources Branch

#### Preface

This guide was prepared from material issued by the Department of Personnel Administration to provide assistance to supervisors and managers in the administration of the State's sick leave program. It is not, however, intended for use as a stand alone tool; rather, it is one of several resources available to supervisory staff in managing sick leave usage and correcting instances of sick leave abuse. Each of the State's bargaining units have Memoranda of Understanding (MOU), which contain provisions governing the sick leave program for covered bargaining unit employees. In some instances, these MOU provisions may be more or less restrictive than what is contained in this guide. Where the MOU between the State and the employee organization is in conflict with this guide, the MOU is controlling. In addition to the MOU and information contained in this guide, the Human Resources and Labor Relations staff is available as an additional resource and for discussing difficult cases.

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# SICK LEAVE ADMINISTRATION Guidelines for Supervisors

#### INTRODUCTION

All State employees are expected to report to work each day, on time, as scheduled. Most employees understand that maintaining good attendance on the job is essential to accomplishing the objectives of the organization for which they work. However, employees are susceptible to illness and injury and, in many cases, are responsible for the care of others, all of which can result in the necessary use of sick leave.

Like any employer, Air Resources Board (ARB) has a vested interest in managing the use, as well as preventing or correcting abuse, of sick leave benefits. ARB depends upon the first line supervisor to ensure sick leave benefits are used as intended. There are several factors which can make this responsibility challenging:

- Rules for administering sick leave are subject to periodic changes as a result of collective bargaining negotiations between the State and the employee unions. Such bargaining results in a Memorandum of Understanding (MOU) for each bargaining unit.
- Rules governing the sick leave program can differ slightly from one bargaining unit to another. For supervisors who direct the work of employees in more than one bargaining unit, this may require doing slightly different things for different employees even though the circumstances are similar. In addition, separate Government Code Sections have been established for governing sick leave use by non-represented employees.
- Supervisors are accountable for accomplishing the objectives of their organizations even when employees are absent. This is difficult to achieve when employees are chronically absent even if these absences are legitimate.
- When a supervisor or manager does act to control outright sick leave abuse, the employees and
  their union representatives may file grievances questioning the supervisor's decision as it relates to
  administration of the MOU. Through the grievance process, supervisory decisions are subject to
  greater scrutiny by higher level management, labor relations staff, and possibly third party
  arbitrators.

To assist supervisory staff in establishing and maintaining good attendance among their employees and in managing sick leave use, this guide has been developed to do the following:

- More fully explain and interpret existing MOU language and other rules, policies, and procedures governing sick leave usage.
- Suggest steps that can be taken to establish reasonable policies in each work unit that will help to minimize misuse of sick leave and encourage good attendance habits.
- Define circumstances for appropriate and inappropriate use of sick leave benefits.
- Discuss under what circumstances a physician's verification may be requested and information, which should be provided.
- Suggest alternatives for dealing with chronically ill employees.

#### SUPERVISORY RESPONSIBILITIES

The goal of every supervisor should be to create a work environment, which challenges employees and recognizes successful efforts in accomplishing the objectives of the ARB. However, even in the best work environment, absenteeism can occur. Employees are subject to physical and psychological ailments, family issues and concerns, and the stresses of every day living. Some employees may be struggling with alcohol or drug dependency. These and other factors may affect the willingness or ability of an employee to report to work. These factors do not excuse absenteeism, but supervisors should seek to isolate the source of a problem in determining the appropriate response or course of action.

One of the strongest influences on employee performance is the example set by management, especially the immediate supervisor. The supervisor needs to model acceptable behavior. Unacceptable behavior on the part of the supervisor does not excuse unacceptable behavior on the part of the employees; however, it does make it more difficult to demand appropriate behavior from subordinate employees.

<u>Preventive Actions</u>: Preventive actions are those steps taken by a supervisor for the purpose of developing and maintaining a positive and productive work environment. Preventive measures are proactive steps initiated by a supervisor to reduce or eliminate the potential for employee behavior problems, such as sick leave abuse, as opposed to steps required in reaction to an employee's wrongdoing. The importance of preventive action in reducing the potential for employee misbehavior cannot be stressed enough. Following are a few of the preventive actions which supervisors can take to minimize employee absenteeism and reduce the potential for employee abuse of sick leave benefits. In addition, these steps serve to lay the foundation for a sound case should corrective or adverse action become necessary:

- Ensure employees are aware that they are expected to report for work each day as scheduled and that attendance will be a factor considered in evaluating job performance.
- Develop clear procedures for employees to follow when they are absent from work due to illness or injury. Such procedures might include the following requirements:
  - When calling to report a necessary absence from work due to illness or injury, employees must personally speak to their immediate supervisor or other designated and authorized individual within the first hour of the their work shift.
  - o If the employee's supervisor is unavailable at the time the employee reports his/her inability to report to work, the employee must leave a telephone number where they can be reached when the supervisor becomes available.
- Requests for approval to use sick leave credits for absences due to medical appointments should be requested and approved in advance whenever possible.
- In cases of extended or inadequately or unexplained absences, personally follow up with the employee by phone, letter, or personal visit.
- Ensure sick leave program policies are administered and applied on a fair and consistent basis. Do not make exceptions! Making unnecessary exceptions undermines efforts to establish and maintain good attendance among employees and often results in a negative work environment.
- Monitor sick leave usage for each employee on a monthly or quarterly basis, and bring instances of above average usage or development of potential patterns of sick leave abuse to the attention of the employee. When addressing attendance issues with an employee, emphasize the importance

- of the employee's work to the overall success of the organization and, therefore, the importance of the employee being at work.
- Use employee performance evaluations to formally acknowledge work attendance or to document attendance problems, issues, and concerns.

Supervisors may obtain assistance in managing sick leave usage and correcting instances of sick leave abuse from the assigned Human Resources Analyst in the Human Resources Branch. Labor Relations staff is available to assist with interpretation of MOU provisions. In addition, the <a href="Employee Assistance">Employee Assistance</a> Program (EAP) is available for employee referral and counseling as well as managerial advice. Additional information may be obtained from the EAP Coordinator.

#### BENEFIT ADMINISTRATION

Fair and impartial control creates respect and gains cooperation. Nothing does more to undermine employee morale and confidence in their management than feeling that management is being arbitrary, unfair, or partial in the treatment of their employees. Therefore, it is important for all supervisors to familiarize themselves with the rules, procedures, and guidelines that govern the sick leave benefit program, educate their employees, and then administer the program accordingly.

Circumstances under which an employee may use sick leave benefits are spelled out in each of the various MOUs between the State employer and the employee unions. The MOUs are subject to periodic change so supervisors should first check the appropriate MOU provisions, as well as this guide, whenever a question concerning use of sick leave arises. *In cases where MOU provisions are in direct conflict with information contained in this guide, the terms of the MOU prevail.* Contact your Human Resources Analyst or the Labor Relations staff if you have any questions or doubts regarding sick leave administration or need assistance with interpretation of MOU language.

#### SICK LEAVE DEFINED

The State's sick leave benefit program was established to provide protection to employees against potential loss of income due to illness or injury. Like any insurance policy, the sick leave benefit "pays off" only under specific circumstances. The following definitions apply to administration of the sick leave program:

#### Definitions

Sick Leave: Sick leave is defined by all the MOUs as the "necessary absence" from

work due to illness or injury of the employee or the employee's qualifying

family member.

Family Sick Leave: Use of sick leave benefits by an employee to provide care for the

employee's ill or injured mother, father, husband, wife, domestic partner (as defined in accordance with Family Code Section 297), son, daughter, brother, sister, or other person residing in the immediate household of the

employee.

**Necessary Absence**: Absence from work due to illness or injury of the employee or employee's

qualifying family member, which is serious enough to prevent the

employee from reporting to work.

Attendance Upon: An illness or injury of an employee's family member is serious enough to

require the employee to remain home from work to personally provide, or to arrange for, direct care for the ill or injured family member or other

person residing in the immediate household of the employee.

**Qualifying Family** 

Member:

Employee's mother, father, husband, wife, domestic partner

(as defined in accordance with Family Code Section 297), daughter, son, sister, brother, or other person residing in the immediate household of the

employee.

**Licensed Practitioner:** Licensed practitioner may include a licensed chiropractor, podiatrist, nurse

practitioner, or other health care specialist licensed by the State.

**Dock:** Dock is an approved absence without pay. Time is documented as Dock

when an employee has exhausted all leave accruals or has elected not to use leave credits, but the reason for the absence is reasonable and has

been approved. Use "L" on the time report for approved dock.

Unapproved Dock Unapproved Dock (or absence without leave) is an unapproved absence

also without pay. Time is documented as Unapproved Dock when the supervisor determines an absence is not reasonable, warranted, or

approved. Use "UD" on the time report for unapproved dock.

#### **AUTHORIZATION OF SICK LEAVE**

Supervisors are responsible for reviewing the circumstances of each request for use of sick leave credits to determine if the absence is legitimate and necessary. If there is no reason for the supervisor to doubt the validity of an employee's sick leave request, use of benefits should be approved. If the supervisor reasonably believes the employee's absence is not due to illness or injury, the supervisor has the right and the responsibility to deny use of sick leave benefits.

Sick leave is not to be used to conduct personal business (e.g. court appearances, car repairs, or veterinary appointments, etc.). Absences from work due to personal business must be charged to vacation, annual leave, compensatory time off (CTO), holiday credit, or approved absence without pay.

Sick Leave - Self Employees may be authorized use of sick leave benefits for absences from work due to:

- Illness or injury, which prevents the employee from reporting to work. This includes illness or injury relating to pregnancy.
- Dental, vision, or other physical or medical examination or treatment by a licensed practitioner. Note: Approval for use of sick leave benefits to attend

- medical examinations or to receive treatment by a licensed practitioner should be limited to the time required for the examination plus reasonable travel time.
- Exposure of the employee to a contagious disease, which is determined by a licensed practitioner to require the employee's absence from work.

Sick Leave – Family

An employee may be authorized use of sick leave benefits under limited circumstances due to the illness or injury of a qualifying family member of the employee. The MOUs provide for use of family sick leave for "...attendance upon the employee's ill or injured mother, father, husband, wife, domestic partner (as defined in accordance with Family Code 297), son, daughter, brother, sister, or other person residing in the immediate household." It is permissible to authorize an employee's use of family sick leave under the following circumstances:

- When an illness or injury of a qualifying family member of the employee is serious enough that it is necessary for the employee to remain home from work in order to personally provide or to arrange direct care for the ill or injured family member or person residing in the immediate household of the employee.
- When it is necessary for the employee to stay home with an ill or injured young child requiring supervision, or to take that child to a medical, vision, or dental appointment.
- When it is necessary for the employee to take other named relatives, or persons residing in the immediate household, to health related appointments.

The amount of family sick leave time that may be authorized is limited as specified in each of the MOUs. As this amount differs from bargaining unit to bargaining unit, it is <u>imperative</u> that the supervisor refers to the appropriate MOU prior to approving or disapproving an employee's request for use of sick leave for the purpose of family care. For example, the 2007 MOU for Bargaining Unit 9 allows eight days per year for family sick leave, while the MOU for Bargaining Unit 1 allows six days per occurrence.

Sick leave benefits are not to be approved for reasons other than those specified in the employee's bargaining unit MOU. Other paid time off (vacation, annual leave, CTO, holiday time, etc.) may be authorized for instances requiring an employee's absence from work for reasons other than those specified for approval under the sick leave provisions of the MOU.

#### MANAGING LEAVE USAGE

Whenever sick leave is discussed, two "rights" always seem to be in conflict: the employee's perceived "right" to use sick leave benefits versus the employer's right to expect the employee to report to work. It is important to recognize that *sick leave is a negotiated benefit, not a right.* The supervisor has the responsibility to ensure that this benefit is used properly. Ultimately, the need for management to conduct business may result in action being taken against employees with demonstrated chronic use of sick leave.

There is an inherent conflict in handling sick leave abuse cases: how to be consistent while also recognizing that health is a very personal issue which must be addressed on a case-by-case basis and with the utmost sensitivity and professionalism. In addition, the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability and requires employers to provide reasonable accommodation to qualified employees with disabilities. It is imperative that supervisors are always consistent, fair, and equitable in their administration of the sick leave program and application of sick leave rules, policies, and procedures. Failure to be consistent and fair only results in undermining management's ability to control employee's use of sick leave benefits.

The following steps are recommended when addressing employees with a demonstrated pattern of chronic use of sick leave benefits:

- Publish and enforce sick leave rules, policies, and procedures.
- Monitor employee use of sick leave on a regular and consistent basis.
- When an employee has established a demonstrable pattern of sick leave abuse (e.g., an employee calls in sick in conjunction with his/her scheduled days off, on Fridays and/or Mondays, etc.) or an excessive amount of time is used, discuss this with the employee. Outline expectations and time frames for improvement as well as the potential consequences of failure to improve attendance.
- If necessary, place the employee on attendance restriction. (See page 11 for more information about attendance restriction.)
- If the employee fails to report to work, call in timely, or fails to provide requested medical verification of need for sick leave use, deny the use of sick leave benefits, charge the time to "Unapproved Dock" (UD), which will result in their pay being docked, and continue with documentation and the progressive disciplinary process.
- If an employee is absent from work for five days without contacting the employer that is considered Absence Without Leave (AWOL) and may result in an immediate dismissal from State service (GC 19996.2).
- When an absence is <u>unapproved</u> for any amount of time, <u>do not authorize the use of other leave credits</u> (vacation, annual, CTO, holiday time, etc.) or approved dock to cover the absence from work. Charge the time to <u>Unapproved Dock</u>.

Disciplinary action should not be taken against an employee because of a documented illness or medical condition that prohibits the employee from working unless the employee fails to follow proper absence reporting procedures. When sick leave or any medical problem persists, the supervisor may request a Fitness for Duty Evaluation. Supervisors should contact their assigned HR Analyst for assistance in this area. See "Corrective Action and Other Options" beginning on page 12 of this guide for a more detailed discussion on dealing with chronic medical situations.

#### **USE OF OTHER LEAVE**

Other leave benefit programs that may be available to employees to cover absences due to illness or injury include:

<u>Annual Leave</u>: Employees participating in the Annual Leave Program (ALP) do not accrue separate sick leave and vacation balances, but accrue Annual Leave. All time off is charged to annual leave unless the employee had an existing sick leave balance at the time of enrollment in the ALP. Employees who use annual leave to cover absences from work due to illness are subject to the same requirements for use, verification, and approval as is required for use of sick leave credits.

<u>Use of Other Leave in Lieu of Sick Leave</u>: A supervisor has the discretion to approve the use of other types of leave (i.e., vacation, CTO, etc.) in lieu of sick leave when an employee has a legitimate illness but has exhausted all of his/her sick leave balance. An employee's past leave usage may be considered by the supervisor in deciding whether to allow use of other leave credits in lieu of sick leave.

<u>Catastrophic Leave</u>: An employee who has exhausted all of his/her paid leave credits and who is facing financial hardship due to a catastrophic illness or injury, may be approved for participation in the Catastrophic Leave Program. This program allows the ill or injured employee to receive vacation, annual leave, CTO, or holiday time donations from other employees. Each appointing power carries the discretion to approve or disapprove participation in the Catastrophic Leave Program. Use of donated leave credits is subject to the same requirements that apply to use of sick leave benefits. Supervisors should contact their assigned HR Analyst for additional information regarding this program. See ASL 04-01 for details on Catastrophic Leave.

<u>Pregnancy Disability Leave</u>: A permanent female employee is entitled to a leave of absence without pay for the purpose of pregnancy, childbirth, or the recovery from childbirth. The length of the leave may not exceed one year. Once an employee has notified the appointing authority of the period of leave required, any change in the length of the leave must be approved by the appointing power. A physician's verification may be required. See ASL 02-05, Work and Family Programs, for more information.

Family and Medical Leave Act (FMLA): The Family and Medical Leave Act (FMLA) requires covered employers to provide eligible employees with up to 12 weeks (60 working days) of unpaid, job-protected family care or medical leave per year for the birth or placement of a child for adoption or foster care; to care for an immediate family member (spouse, child, or parent) who is seriously ill; or to take medical leave when unable to work due to a serious health condition. FMLA leave may be taken in one 12-week period or when necessary, due to the serious health condition of a family member or the employee, intermittently (in blocks of one hour or more, or by reducing the normal weekly or daily work schedule). See ASL 02-05, Work and Family Programs, and the bargaining unit MOU for additional information.

<u>Leave of Absence</u>: When a permanent or probationary employee who has exhausted all his/her sick leave credits requires a period of time to recuperate from a disabling illness or injury, he/she may be granted a leave of absence without pay. Such leaves may be granted at the discretion of the appointing power for up to one year. Factors to consider prior to granting a short-term leave for medical purposes should include:

- Nature of the illness or injury.
- Estimated length of the employee's absence.
- Effect of the employee's absence on the ability of the organization to meet its objectives.

A physician's verification of the illness should always be required prior to granting a leave of absence for medical reasons. Once granted, a leave of absence may be revoked by the appointing power if the employee fails to present the supervisor with satisfactory evidence of continuing need for medical care and/or treatment.

This section does not imply that granting of an extended leave of absence is mandatory or even encouraged for an employee suffering from chronic illness or medical condition from which the outlook for recovery may be in doubt. In cases where a leave of absence or extension of such leave will adversely impact the ability of the ARB to carry out its responsibilities, other options, such as disability retirement, may be more viable and should be considered.

#### REQUESTING VERIFICATION

A key element in the effective administration of the State's Sick Leave Benefit Program is knowing when to ask an employee for a doctor's written verification of the injury or illness which necessitates the employee's absence from work.

Generally the MOUs permit a supervisor to request written verification of an employee's illness or injury under the following circumstances:

- When the absence extends beyond two working days (Bargaining Units 2, 9, and 12 only).
- When a supervisor has a reasonable suspicion that an employee was absent from work for a reason other than illness or injury.
- When an employee has established a demonstrable pattern that reasonably suggests possible abuse of sick leave benefit (except for employees in Bargaining Units 2 and 9).

#### ATTENDANCE RESTRICTION

When an employee has a pattern of sick leave use, which is of concern to the supervisor, the employee may be given written instructions to provide verification of sick leave for all future absences related to illness or injury. This is referred to as "attendance restriction." Attendance restriction can sometimes be a useful tool in correcting misuse of sick leave benefits. The following may indicate a pattern of sick leave usage that warrants written verification of sick leave:

- Consistent use of sick leave on the same days (e.g., Mondays, Fridays).
- Consistent use of sick leave before or after scheduled days off, holidays, or weekends.
- Consistent use of sick leave immediately following pay day.
- Use of sick leave as fast as it is earned.
- Combinations of any of the above or other demonstrable pattern of sick leave usage not specified.

Physician statements or other sick leave verification should be attached to the employee's monthly time report.

#### VERIFICATION DOCUMENT

The verification document must be signed by a physician or other licensed practitioner who is competent within his/her scope or practice to make an evaluation of the stated illness or injury and who is making the evaluation in the course of his/her employment or medical practice.

The amount of detail required for verification is a matter of individual supervisory judgment. The verification should be specific enough for the supervisor to determine that the employee was ill and that the illness or injury was of such a nature to require the employee to remain off work. The nature of the employee's job itself may be a factor in determining how much verification is necessary.

Supervisors may want to consider the following in establishing guidelines for content of medical verification:

- Statement of the "general nature" of the injury or illness requiring the employee's absence from
  work. <u>Note: Do not pry into an employee's medical condition beyond the point reasonably
  necessary to determine if the stated illness or injury meets the requirements for authorized use of
  sick leave benefits.
  </u>
- Anticipated date employee will be able to return to work.
- Limitations on the ability of the employee to perform assigned duties upon returning to work.
- Verification that the employee made a personal visit to the treating physician during the course of the illness.
- Verification of need for family sick leave.

In addition to requiring a physician's (or licensed practitioner's) verification of illness or injury, a supervisor may want to request the employee's permission to contact the employee's physician directly and for release of sufficient information to verify the illness or the ability of the employee to perform his/her duties. [This option should be used only in questionable circumstances or when warranted by business necessity.]

<u>Supervisors have a responsibility to guard the confidentiality of any and all information provided by an</u> employee regarding his/her injuries, illnesses, or other medical related information.

#### CORRECTIVE ACTION AND OTHER OPTIONS

An employee who has a record of consistently misusing sick leave benefits may be subject to corrective action. The type of action taken should be based on the nature and extent of the problem and success or failure of any previous attempts to correct the employee's attendance.

It is beyond the scope of this guide to outline in detail the types of corrective and/or disciplinary actions that may be appropriate. Supervisors contemplating initiation of formal corrective action against an employee based on misuse of sick leave benefits or excessive absenteeism should contact their assigned HR Analyst for consultation and advice. In addition to formal adverse action, listed below are some of the options and programs a supervisor may consider in dealing with ill or injured employees.

<u>Employee Assistance Program (EAP)</u>: The EAP is a system for referring employees to appropriate professionals for assistance in resolving personal issues or problems that may be impairing their ability to perform on the job. Contact the EAP Coordinator and see ASL 07-04 for additional information.

<u>Medical Evaluation/Medical Termination</u>: Under Government Code 19253.5, an employee who is chronically ill may be required to submit to a medical examination for the purpose of evaluating his/her capacity to perform the duties of his/her position, or other position within the department. ARB pays for this medical examination and paid time is provided to the employee for the examination.

If the medical examination shows that the employee is unable to perform the duties of his/her position, ARB may:

- Make a reasonable accommodation of any limitations on the employee's ability to perform the essential duties of the position.
- Transfer or demote the employee to another position within the department where the employee is capable of performing the essential duties of the position.
- Terminate the employee's appointment (if the employee is not eligible for disability retirement).

Because this is a complex and sensitive option to consider, the supervisor should always consult with the assigned HR Analyst who will coordinate scheduling a medical examination, and consider appropriate actions based on the results of such examination.

<u>Limited Duty</u>: If an employee's illness or injuries are expected to be of short duration and do not require the employee to stay at home, it may be possible to assign the employee to limited duty. In these cases, the employee receives full salary while performing some of the responsibilities of his/her position. The supervisor should consult with the assigned HR Analyst to review the nature of the employee's illness or injuries to determine if limited duty could be considered an option. Limited duty often proves more productive for both the employee and ARB than to continue authorization of sick leave. Generally, either department policy or applicable MOU governs limited duty.

Reduced Time Base: Government Code 19996.20 through 19996.29 and Department of Personnel Administration Rules 599.830 through 599.837 permit an employee to work a reduced time base if he/she is unable to work full time. Employees who are medically determined unable to work full time may be considered for a reduced time base. In this way, supervisors may be able to hire another part-time employee to assume the work that cannot be performed by the ill or injured employee.

This option may be presented to the employee as strictly voluntary. <u>Government Code Section 19996.22</u> prohibits a supervisor from coercing an employee to reduce his/her time base for any reason.

<u>Disability Retirement</u>: Employees who are unable to work for an extended period of time due to an illness or injury may be entitled to a disability retirement. The disability retirement may be initiated by the employee or, under certain circumstances, by ARB.

#### CONCLUSION

Remember, sick leave is a <u>benefit</u>, not a right. The supervisor, as the management representative, has the responsibility to ensure the sick leave benefit is used properly. It is hoped that this guide has provided information, which will make this job a little easier. When in doubt about what to do, the supervisor should contact his/her assigned HR Analyst or the Labor Relations staff for additional consultation and advice.

# **APPENDIX**

Sample 1 – Counseling Memo – Attendance

Sample 2 – Attendance Restriction

Sample 3 – Request for Physician's Verification of Illness

#### MEMORANDUM

TO:

FROM: [Supervisor's Name]

[Division]

SUBJECT: COUNSELING MEMO - ATTENDANCE

This is to confirm our discussion on (*date*) regarding your attendance.

Since (*date*) you have been absent from work \_\_\_ hours. I have attached a copy of your leave record and summarized your leave usage in the chart below.

TYPE OF LEAVE USED	HOURS USED	HOURS IN LIEU OF SICK LEAVE
Sick Leave		
Vacation/Annual Leave		
Personal Leave		
Holiday Credit		
СТО		
Dock		
Unapproved Dock		

You were verbally counseled on (*date*) at which time I explained to you the importance of maintaining a good attendance record and of your need to improve in this area. Specifically, I informed you that you are expected to report to work each day as scheduled. In addition, I provided you with information regarding the Employee Assistance Program (EAP). The EAP may be an appropriate source of assistance to you and you can reach the EAP Coordinator by phone at (916) 323-1158.

A copy of this memorandum is being placed in your Official Personnel File (OPF). Your attendance will be monitored for the next (*time period*). At the end of that period, we will meet and discuss your attendance. If improvement has been made, this memorandum will be removed from your OPF. If your attendance has not improved, you may be placed on attendance restriction.

If you have any questions regarding your time or attendance, please bring them to my attention.

Attachment

cc: Official Personnel File

(ATTACH A COPY OF EMPLOYEE'S LEAVE RECORD)

#### MEMORANDUM

TO:

FROM: [Supervisor's Name]

[Division]

SUBJECT: ATTENDANCE RESTRICTION

A review of your attendance record shows that from (*date*) to (*date*) (90 days from my Counseling Memo to you) you have been absent from work \_\_hours. A summary of your absence and leave usage is attached. Your attendance habits do not meet the standards expected in this Division.

I have previously counseled you regarding your poor attendance record and the need for you to make improvements in this area. You were also provided information regarding the Employee Assistance Program (EAP), which is available as a source of assistance to you.

Because your attendance continues to be unsatisfactory and previous discussions have proven unsuccessful in achieving improvements, effective immediately you are subject to the following attendance procedures and restrictions:

- 1. Working Hours and Breaks: Your work hours are from \_\_ to \_\_. Your break times are from \_\_ to \_\_. Your lunch period is from \_\_ to \_\_. Any exception to this schedule must be approved by me in advance.
- 2. <u>Sick Leave</u>: Time off to attend routine medical, dental, or other health-related examinations must be requested at least two work days in advance. A physician or licensed practitioner's verification must be submitted to me upon return to work to substantiate all absences for health reasons, self or family. The physician or other licensed practitioner's name and telephone number must be legible. The verification must: (a) include the nature of the illness; (b) be obtained during the period of the absence; and (c) confirm your inability to work for the period of the absence. In the case of illness of a family member, the substantiation must also include a statement that your care was required.
- 3. <u>Vacation, Annual Leave, Personal Leave, or Other Leave Credits</u>: All requests for leave must be approved at least two work days in advance. Leave will be authorized only as workload permits. <u>Requests to use vacation, CTO, or other leave in lieu of sick leave will not be approved.</u>

Failure to follow these procedures or to provide adequate substantiation will result in your leave being reported as Unapproved Dock (UD).

A copy of this memorandum is being placed in your Official Personnel File. If your attendance is satisfactory during the next (*time frame*), it will be removed.

#### Attachment

cc: Official Personnel File

(ATTACH SUMMARY OF ABSENCE AND LEAVE USAGE)

#### MEMORANDUM

TO:

FROM: [Supervisor's Name]

[Division]

SUBJECT: REQUEST FOR PHYSICIAN'S VERIFICATION OF ILLNESS

A review of your sick leave usage for the period of \_\_\_\_\_ to \_\_\_\_ reveals that you have consistently called in sick before or immediately following your scheduled days off. Specifically, instances of such leave usage include the following:

Scheduled Day Off	Absence Alleged to Illness
April 5 and 6	April 7
April 13 and 14	April 15
May 8 and 9	May 10 and 11
June 13 and 14	June 12

In addition, you have called in sick on other occasions during this period.

For these reasons, I am requiring you to submit a written verification signed by a physician or other licensed practitioner for all future instances of sick leave, including family sick leave. This verification must contain sufficient information for me to determine that your illness and/or need to care for a family member was serious enough to warrant your being absent from work. Without this verification, use of sick leave benefits will not be approved.

A copy of this memorandum is being placed in your Official Personnel File. This requirement will remain in effect for (*time frame*) from the date of this memo. At the conclusion of this period, I will re-evaluate your sick leave usage and determine if there has been sufficient improvement in your attendance to warrant termination of this requirement. If there has not been sufficient improvement, the requirement to provide written verification may be continued, and other disciplinary action may be taken.

Attachment

cc: Official Personnel File